

## Tennessee Valley Authority

## § 1309.1

### § 1308.53 Service.

A subpoena may be served at any place, and may be served by any individual not a party who is at least 18 years of age, or as otherwise provided by law. Service may be made by an attorney or employee of a party. Service shall be made by personal delivery of the subpoena to the individual named therein, together with tender of the amounts required by 5 U.S.C. 503 or other applicable law. The individual making service shall file with the Board the duplicate subpoena, filled out as served, with the return of service filled in, signed and notarized.

### § 1308.54 Requests to quash or modify.

The person served with a subpoena (or a party, if the person served is a party's employee) may request the Hearing Officer to quash or modify a subpoena. Such requests shall be made and determined in accordance with the time limits and principles of Rule 45(a), (b) and (d) of the Federal Rules of Civil Procedure.

### § 1308.55 Penalties.

In case of contumacy or refusal to obey a subpoena by a person who resides, is found, or transacts business within the jurisdiction of a United States District Court, the Board will apply to the court through the General Counsel of TVA for an order requiring the person to appear before the Hearing Officer, to produce evidence or give testimony, or both. Any failure of any such person to obey the order of the court may be punished by the court as a contempt thereof.

## PART 1309—NONDISCRIMINATION WITH RESPECT TO AGE

Sec.

- 1309.1 What are the defined terms in this part and what do they mean?  
1309.2 What is the purpose of the Act?  
1309.3 What is the purpose of this part?  
1309.4 What programs or activities are covered by the Act and this part?  
1309.5 What are the rules against age discrimination?  
1309.6 Is the normal operation or statutory objective of any program or activity an exception to the rules against age discrimination?

1309.7 Is the use of reasonable factors other than age an exception to the rules against age discrimination?

1309.8 Who has the burden of proving that an action is excepted?

1309.9 How does TVA provide financial assistance in conformity with the Act?

1309.10 What general responsibilities do recipients and TVA have to ensure compliance with the Act?

1309.11 What specific responsibilities do TVA and recipients have to ensure compliance with the Act?

1309.12 What are a recipient's responsibilities on compliance reviews and access to information?

1309.13 What are the prohibitions against intimidation or retaliation?

1309.14 How will complaints against recipients be processed?

1309.15 How will TVA enforce compliance with the Act and this part?

1309.16 What is the alternate funds disbursement procedure?

1309.17 What is the procedure for hearings and issuance of TVA decisions required by this part?

1309.18 Under what circumstances must recipients take remedial or affirmative action?

1309.19 When may a complainant file a civil action?

AUTHORITY: TVA Act of 1933, 48 Stat. 58 (1933), as amended, 16 U.S.C. 831-831dd (1976), and sec. 304 of the Age Discrimination Act of 1975, 89 Stat 729 (1975), as amended, 42 U.S.C. 6103 (1976).

SOURCE: 46 FR 30811, June 11, 1981, unless otherwise noted.

### § 1309.1 What are the defined terms in this part and what do they mean?

As used in this part the following terms have the stated meanings:

(a) *Act* means the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101, *et seq.* (Title III of Pub. L. 94-135).

(b) *Action* means any act, activity, policy, rule, standard, or method of administration; or the use of any policy, rule, standard, or method of administration.

(c) *Age* means how old a person is, or the number of elapsed years from the date of a person's birth.

(d) *Age distinction* means any action using age or an age-related term.

(e) *Age-related term* means a term which necessarily implies a particular age or range of ages (for example, "children," "adult," "older persons," but not "student").